

Mr. Lea offered a substitute. Mr. Hartley moved to refer to Committee on Finance, and Mr. Branch moved to table the motion, which was done.

On motion of Mr. Erath the Senate adjourned until 10 o'clock A. M. tomorrow.

Wednesday, December 11, 1861.

Senate met pursuant to adjournment. Prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Weatherford, Chairman of the Committee on Private Land Claims, reported upon the petition of Martha Brennan, a bill for her relief, and recommended its passage. Read 1st time. Also recommended that the following petitions be referred to Committee on Court of Claims which was done, viz., petition of heirs of T. Hart, of heirs of James Callan, heirs of William R. Day.

Mr. Guinn from the Committee on the Court of Claims made the following report:

That of the applications on file in the office of the commissioner to which their attention has been specially directed, and upon which by reason of a non-compliance upon the part of the applicants with the provisions of the law of February 1, 1861, the commissioner has taken no action, the following have been favorably considered:

Theophilus Wells for a headright of 640 acres.

John R. Cannon for a headright of 320 acres.

J. B. Shade for a headright of 320 acres bounty land.

P. W. Birmingham for a headright of 320 acres bounty land.

Samuel Smith for a headright of 320 acres bounty land.

Heirs of Joseph Shepard for 640 acres donation and 320 acres bounty land.

The committee have also favorably considered a bill for the relief of Pleasant M. Miller to them referred by the Senate.

The above cases and perhaps others to be considered will be included in a general bill to be presented at an early day containing suitable provisions covering the respective cases of relief sought.

They have rejected for satisfactory reasons after careful investigation the following claims:

Charles Linney: 1 league, 1 labor, H. R. [headright].

W. H. H. Frensley: 640 acres, H. R. [headright].

Thomas G. McGehee for a certificate covering the amount of conflict between two Mexican titles.

Francisco Mesa: for augmentation from 1280 acres to 1 league, 1 labor.

Francis Ximenes for like augmentation.

Juan Nepumuceno Navarro for 960 acres additional bounty.

Narcisco Gavne for additional bounty.

Edward Hernandez for same.

Jose Alameda for same.

Rafael Cuellar y Ramirez for headright.

The committee find that application for land of various shades and sustained by testimony ranging from a perfect knowledge of facts through all the mazes of suspicious belief, have been presented to the Court of Claims for adjudication; that notwithstanding the variety presented, a careful distinction between the right and wrong has been assiduously observed by the commissioner and the assisting board.

While the interests of the State have been zealously guarded, in no single instance where the testimony has been clear, the identity of the applicant, the credibility of the witnesses established, and the provisions of the law observed, have the parties failed to have their rights accorded.

When the committee considered the fact that the office since its reorganization has been a source of revenue to the State, overpaying all expenses to January 1, 1862, something over \$1500, and the further fact of the benefit derivable both to the just claimants and to the State from its operations, they determined to consult a wise policy by recommending its continuance notwithstanding any prejudice that may have arisen against it partly through the influence of parties whose attempted frauds have been checkmated by its investigations. A bill will be prepared at an early day having in view this object and amendatory of defects in the law of February 1, 1861.

Mr. Harcourt, Chairman of the Judiciary Committee, reported a substitute for a bill relating to the determination of cases by the Supreme Court and recommended its adoption and passage.

Mr. Burnett, Chairman of the Committee on Enrolled Bills, reported correctly enrolled and presented to the Governor a bill to incorporate the Houston, Trinity and Tyler Railroad Company.

Mr. Lea introduced a bill to amend the 2nd section of an Act authorizing a loan and imposing a specific tax to meet the principal and interest thereof, &c. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Scarborough introduced a bill to amend the 4th section and to repeal the 6th section of an Act to regulate

the public printing. Read 1st and 2nd times and referred to Committee on Printing.

Mr. Dickson introduced a bill for the relief of purchasers of University lands. Read 1st and 2nd times and referred to Committee on Education.

A joint resolution authorizing the Governor to purchase arms being the special order, Mr. Lea's substitute was adopted by the following vote:

YEAS—Messrs. Boyd, Burnett, Crawford of Fannin, Crawford of Jasper, Darden, Erath, Finlay, Graham, Guinn, Harcourt, Houston, Lea, Mitchell, Moore, Obenchain, Parsons, Reed, Scarborough, Selman, and Shepard—20.

NAYS—Messrs. Batte, Branch, Cook, Dickson, Durant, Selman, Weatherford, and Wheeler—8.

Mr. Guinn moved to strike out "any necessary amount of bonds that may belong to the State or be under the control of the Legislature."

Mr. Harcourt offered the following: "except the United States 5 per cent bonds." Adopted. Amendment then adopted.

A message was received from the House announcing the passage of a bill supplemental to an Act to amend the Act supplemental to an Act to regulate estrays, approved April 6, 1861.

Mr. Finley moved to strike out the words "which sales may be made for the net proceeds of cotton in any foreign market, reckoning all other expenses than those of agents as aforesaid, while engaged in negotiating for the proceeds of cotton and in facilitating its transmission to market."

Mr. Erath moved the previous question which was sustained, and the bill ordered to be engrossed. Rule suspended, read 3rd time and passed by the following vote:

YEAS—Messrs. Batte, Boyd, Burnett, Casey, Crawford of Fannin, Crawford of Jasper, Dickson, Durant, Erath, Graham, Guinn, Harcourt, Houston, Lea, Mitchell, Moore, Parsons, Reed, Scarborough, Shelley, Shepard, and Weatherford—22.

NAYS — Messrs. Branch, Darden, Finlay, Selman, and Wheeler—5.

Mr. Shelley offered the following resolution: "**Resolved**, That the Committee on Finance be instructed to inquire into the expediency and propriety of so amending the 1st section of an Act authorizing a loan, &c., as to authorize the issuance of bonds in less sums than \$1000, and report by bill or otherwise." Adopted.

Mr. Scarborough offered the following resolution: "**Resolved**, That during the remainder of the present session

no member shall be permitted to speak longer than five minutes on a subject matter of debate except by leave." Laid on table 1 day.

Mr. Darden introduced a joint resolution to authorize and require the Adjutant General to collect the necessary information to make a register of the State troops, &c. Read 1st and 2nd times and referred to Committee on Militia and Military Affairs.

Mr. Burnett, Chairman of the Committee on Enrolled Bills, reported the following correctly enrolled and presented to the Governor:

Bill for the relief of Samuel Everett.

Bill to amend 3rd section of Act to incorporate the Dallas Bridge Company.

The motion to reconsider the vote laying on the table the bill for the endowment of colleges and academies was put and carried, and the bill refused to be engrossed by the following vote:

YEAS—Messrs. Batte, Branch, Cook, Crawford of Fannin, Dickson, Erath, Finlay, Lea, Mitchell, Moore, Reed, Scarborough, and Shepard—13.

NAYS—Messrs. Boyd, Burnett, Crawford of Jasper, Darden, Durant, Graham, Guinn, Harcourt, Obenchain, Parsons, Selman, Shelley, Weatherford, and Wheeler—14.

Mr. Burnett moved to reconsider the vote which indefinitely postponed a bill allowing county clerks to collect fees for recording in advance, &c., which on Mr. Harcourt's motion was laid on the table.

A bill to provide for the protection of the frontier. Senate's bill laid on the table, and House bill taken up.

Mr. Scarborough moved to strike out "one company from the Counties of Nueces, Webb, Cameron, Starr, Zapata, Goliad, San Patricio, and Refugio" and insert "one company in any part of the State as the Governor may direct." Adopted.

Mr. Dickson moved to strike out in 8th section the word "not" and "refuse to." Mr. Shelley moved to amend by striking out the entire section. Mr. Crawford of Jasper moved to lay the motions on the table. Lost by the following vote:

YEAS—Messrs. Batte, Boyd, Burnett, Crawford of Jasper, Darden, Guinn, Harcourt, Parsons, and Wheeler—9.

NAYS—Messrs. Branch, Cook, Crawford of Fannin, Dickson, Durant, Erath, Finlay, Graham, Houston, Jordan, Lea, Mitchell, Moore, Obenchain, Reed, Scarborough, Selman, Shepard, and Weatherford—[19].

On motion of Mr. Harcourt the Senate adjourned until 10 o'clock A. M. tomorrow.